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6 *Attorneys for Defendant*
 7 *Nevada Restaurant Services, Inc.*

8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10 RANDY SIMMS, an Individual;

11 Plaintiff,

12 vs.

13 NEVADA RESTAURANT SERVICES, INC.,
 14 a Nevada Corporation; DOES I-X; ROE
 15 CORPORATION I-X

16 Defendants.

Case No.: 2:24-cv-01182-CDS-MDC

**STIPULATION AND ORDER TO
 RESCHEDULE EARLY NEUTRAL
 EVALUATION**

17 Defendant Nevada Restaurant Services, Inc. (“Defendant”), by and through its counsel, and
 18 Plaintiff Randy Simms (“Plaintiff”) by and through counsel (together, the “Parties”), hereby
 19 stipulate and agree as follows:

20 1. On August 9, 2024, the Court scheduled this case for an Early Neutral Evaluation
 21 (“ENE”) session on November 13, 2024 at 10:00 a.m. via videoconference before Judge Weksler,
 22 as well as a pre-ENE telephonic conference at 3:00 p.m. on November 12, 2024. (ECF No. 10.)
 23 The Court also ordered the Parties to email confidential written evaluations by 4:00 p.m. on
 24 November 6, 2024. (*Id.*)

25 2. Since the scheduling of the ENE, Defendant’s counsel has had three of its then-six
 26 associates leave its firm, including the associate who had primary responsibility for this matter.
 27 Additionally, Defendant’s lead attorney, Ms. Milton, had a preliminary injunction hearing in
 28

1 another matter scheduled for November 14, 2024 in Chicago, Illinois. This matter also requires the
 2 significant attention of Ms. Milton in the days leading up to the hearing.

3. As such, the Parties stipulate and respectfully request and propose that the
 4 videoconference ENE be rescheduled for December 2, 9-12, 16-18, or 20, 2024, or any date the
 5 Court is available or deems appropriate, to accommodate the request. The Parties also stipulate and
 6 respectfully request that the pre-ENE telephonic conference and confidential written evaluation
 7 deadline be rescheduled for one and seven days, respectively, prior to the rescheduled ENE session.

8. This Stipulation is made in good faith and not for the purpose of delay. No prior
 9 request for any rescheduling of the ENE session has been made.

10. Dated this 6th day of November 2024.

11. JACKSON LEWIS P.C.

12. HKM EMPLOYMENT ATTORNEYS LLP

13. /s/ Kirsten A. Milton
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15. /s/ Michael Arata
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17. *Attorneys for Defendant*
 18. *Nevada Restaurant Services, Inc.*

19. *Attorneys for Plaintiff*
 20. *Randy Simms*

21. The ENE is rescheduled for December 2, 2024, at 10:00 A.M. The pre-ENE is vacated. The
 22. parties' ENE statements must be completed and submitted in accordance with this Court's prior
 23. order (ECF No. 10) by November 25, 2024. **IT IS SO ORDERED.**

24. 
 25. UNITED STATES MAGISTRATE JUDGE

26. DATED: November 7, 2024